

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

WALTER W. THIEMANN, et al.,	:	Case No. C-1-00-793
	:	
Plaintiff	:	Judge Sandra S. Beckwith
	:	Magistrate Judge Timothy S. Hogan
v.	:	
	:	
OHSL FINANCIAL CORP. et al.,	:	<b>AMENDED NOTICE OF APPEAL</b>
	:	
Defendants	:	
	:	

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**PLAINTIFFS' AMENDED NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Walter Thiemann, et al. on behalf of himself and those similarly situated, Plaintiffs in the above case, hereby amend the previously filed Notice of Appeal regarding the termination of this case to the United States Court of Appeals for the Sixth Circuit, as follows.

The following Orders are being appealed from:

<u>Doc. No.</u>	<u>Brief Description</u>	<u>Date</u>
1. Doc. No. 46	ORDER, Granting in part and denying in part: Motion is granted to alleged misrepresentations 1,2,4 and 6-11; the motion is denied with respect to alleged misrepresentations 3, 5, and 12; Paragraphs 56 and 62 of the Complaint are stricken; Motion to Dismiss Counts II and VI is granted. Motion to dismiss Counts III and VI is denied as to Defendant Hanauer.	7/25/01
2. Doc. No. 82	OPINION & ORDER, Directing the Clerk to vacate the entry of Plaintiffs Amended Complaint and to redocket as a motion for leave to file Amended Complaint; Defendants may file opposition and plaintiff may file reply memorandum; Defendants Objection to the Scheduling Order established by Magistrate Judge is sustained.	3/7/02

3.	Doc. No. 85	ORDER, Granting Motion for Protective Order; all discovery and briefing on plaintiffs motion to disqualify is stayed until the Court rules upon plaintiffs motion for leave to amend; If Court rejects any amendment to the Complaint discovery shall proceed immediately; Defendants to file memoranda opposing plaintiffs motion to disqualify.	3/12/02
4.	Doc. No. 102	ORDER, Clarifying that all discovery is stayed pending ruling on plaintiffs motion for leave to amend Complaint.	5/8/02
5.	Doc. No. 117	ORDER, Granting Motion for Protective Order related to the deposition of defendants; Depositions will take place on 8/27/02 and 9/4/02.	8/20/02
6.	Doc. No. 120	ORDER, The subpoena issued to Mr. Burke is hereby quashed and no attorney for any party to this case shall be noticed or subpoenaed for any deposition without prior approval of the Court.	8/26/02
7.	Doc. No. 169	ORDER, Denying Motion by Plaintiffs to Compel production of documents pursuant to subpoena issued to Ernst & Young and for attorney fees incurred in the cost of bringing this motion.	6/10/03
8.	Doc. No. 172	ORDER, Granting Motion to Extend time for filing reply brief in support of motion to disqualify and additional twenty days from the Court's decision on the objection to the Order quashing subpoena of James E. Burke.	6/19/03
9.	Doc. No. 214	ORDER, Denying Motion for Recusal.	10/7/03
10.	Doc. No. 215	ORDER, Granting Motion to Disqualify KMK; Objection to Magistrate Judge Order; Motion for Reconsideration Granted; Motion for Leave to File Second Amended Complaint. This case is CONSOLIDATED with C-1-02-613 and that case be CLOSED for statistical purposes.	10/20/03
11.	Doc. No. 227	ORDER, Granting Motion for Reconsideration the order certifying the class; Plaintiff may file a new Motion to Certify as a class action.	12/15/03
12.	Doc. No. 229	ORDER, Entered in re: Deposition of Mr. Brinker, and other OHSL Directors.	12/24/03
13.	Doc. No. 241	ORDER, re Telephone Conference.	1/16/04

14.	Doc. No. 295	ORDER, That no further deposition of Mr. Brinker shall be taken.	3/5/04
15.	Doc. No. 303	ORDER, Denying Motion to take the deposition of Gary Kreider and David Rosenberg.	3/24/04
16.	Doc. No. 313	ORDER, Denying Plaintiffs objections, Denying Plaintiff's motion to take depositions.	4/12/04
17.	Doc. No. 336	ORDER, Granting Ernst & Young's Motion to Dismiss; A Motion to Reconsider will not be entertained.	5/28/04
18.	Doc. No. 338	ORDER, Granting Defendant's KMK and Mark Weiss' Motion to Dismiss; Motion to Reconsider this motion will not be entertained.	6/4/04
19.	Doc. No. 349	ORDER, Denying striking from the record; Denying motion to quash; Deny motion to strike; Motion to Stay, additionally, 8/31/2004 shall be the deadline for identifying experts; Plaintiff is granted one additional hour with respect to the deposition of Carey, Cook and Holderson; Status Conference set 8/3/2004.	7/9/04
20.	Doc. No. 363	ORDER, re Status Conference conducted on 8/2/2004; The Court sees no reason why Mr. Carey cannot be deposed via video conference in California with all documents to be forwarded in advance of the deposition. This matter has been continued for a status conference for 9/7/2004 at 10:00 a.m.	8/5/04
21.	Doc. No. 369	ORDER, Granting Motion for Order to Maintain Confidentiality and Declaring Proper Designation of PricewaterhouseCoopers Report as "Confidential" pursuant to 10/1/01 Stipulated Protected Order by Defendant Provident.	8/18/04
22.	Doc. No. 404	ORDER, withdrawing 401 Order of Recusal and directing return of this case to the active docket. Signed by Judge Sandra S. Beckwith.	10/22/04
23.	Doc. No. 406	ORDER, granting 249 Defendant Provident's Motion for Partial Summary Judgment, denying 270 Plaintiffs' Motion for Summary Judgment, finding as moot 280 Motion to Strike the affidavit of Tayfun Tuzun.	10/28/04
24.	Doc. No. 407	ORDER, granting 246 Defendants' Dinsmore & Shohl, Clifford Roe and Charles Hertlien's Motion to Dismiss.	10/28/04

25. Doc. No. 409 ORDER, (mistakenly listed in the docket sheet as) 11/5/04  
granting in part and denying in part Defendants'  
Amended Motion to dismiss 264; denying [315]  
Plaintiffs' Motion for Summary Judgment.

26. Doc. No. 410 ORDER, granting in part and denying in part 358 11/5/04  
Motion for Protective Order, denying 378 Motion to  
Strike, denying 385 Motion for Contempt.

Respectfully Submitted,

GENE MESH & ASSOCIATES

Dated: 12 January 2005

By: s/ Michael G. Brautigam  
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**CERTIFICATE OF SERVICE**

This is to certify that a true and accurate copy of the foregoing Plaintiffs' AMENDED NOTICE OF APPEAL was served this 12<sup>th</sup> day of January as per the ECF system:

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/s/ Yvonne Belisle

Yvonne Belisle